

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANDRE CARROLL a/k/a Dre,

Defendant.

No. CR17-1039-LTS

**ORDER**

This case is before me on a report and recommendation (R&R) by the Honorable C.J. Williams, Chief United States Magistrate Judge. Doc. No. 32. On September 28, 2017, defendant Andre Carroll filed a motion (Doc. No. 30) to suppress certain statements he made during a custodial interrogation on August 29, 2017. In a response (Doc. No. 31) filed September 29, 2017, the Government agreed not to offer those statements during its case-in-chief, while not conceding that any unlawful interrogation occurred.

On October 3, 2017, Judge Williams filed his R&R, in which he recommends that I deny the motion to suppress as moot. Neither party has objected to the R&R and the time for any objections has expired. The parties have thus waived their right to de novo review. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) (“Appellant’s failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the magistrate judge as well as his right to appeal from the findings of fact contained therein.” (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994))). Instead, I will review the R&R for clear error. *See, e.g., Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (noting that when no objections are filed “[the district court judge] would only have to review the findings of the magistrate judge for clear error”).

Having found no error, I hereby **adopt** the R&R (Doc. No. 32) without modification. As such, defendant's motion to suppress (Doc. No. 30) is **denied as moot** based on the Government's representation that it will not offer the challenged statements during its case-in-chief at trial.

**IT IS SO ORDERED.**

**DATED** this 25th day of October, 2017.



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Leonard T. Strand, Chief Judge